

SENATE BILL 2272

By Yager

AN ACT to amend Tennessee Code Annotated, Title 2,  
Chapter 12, Part 1, relative to county election  
commissions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-12-101, is amended by deleting subdivision (c)(3) and substituting instead the following:

(3) A municipality or a county satisfies its obligation to furnish counsel pursuant to this subsection (c) if the city attorney or the county attorney, or counsel selected and retained by the municipality's governing body or the county commission, represents the commissioners. If the municipality or the county fails to retain legal representation for the county election commission within ten (10) days of service of process, the county election commission may retain counsel that must be paid by the municipality or county, as applicable. However, for any legal proceeding involving a contested election, the county election commission shall choose the counsel to be furnished, whether by the municipality or the county;

SECTION 2. Tennessee Code Annotated, Section 2-12-101(c), is amended by adding the following new subdivisions:

(5) Unless the legal proceeding involves a contest of a municipal election or a contest of a county election, the county election commission does not have the authority to settle any claim by any third party, whether arising in contract, tort, or otherwise, including any claim for which a lawsuit is pending, without the approval of the county commission; and

(6) Except as provided in this subsection (c), the county election commission and the county election commission's employees must have legal representation to the same extent as the county commission and county employees.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.